

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

APOTEX, INC. )  
                  )  
                  )  
Plaintiff,     )  
                  )  
v.               ) Civil Action No. 12-CV-09295  
                  ) Hon. Sharon Johnson Coleman  
                  )  
DAIICHI SANKYO, INC. ) and  
                  )  
and              ) Civil Action No. 15-CV-03695  
                  ) Hon. Sharon Johnson Coleman  
DAIICHI SANKYO CO., LTD. )  
                  )  
                  )  
Defendants.

**APOTEX'S MOTION FOR IMMEDIATE ENTRY OF A FINAL JUDGMENT**

On January 8, 2016, counsel of record in both the above-captioned cases were sent a document captioned Notification Of Docket Entry. ECF No. 65 in Case No. 15-cv-3695 (“Apotex II”); ECF No. 134 in Case No. 12-cv-9295 (“Apotex I”). This document stated that “Apotex’s motions for summary judgment in Apotex I [103] and Apotex II [38] are granted.” *Id.* It also stated, “All pending motions are stricken as moot.” *Id.* It further stated, “**Civil case terminated.**” *Id.* (emphasis added).

Intervenor-Defendant Mylan questions whether this is a final judgment that triggers its time to appeal. *See* ECF No. 70 in Apotex II; ECF No. 141 in Apotex I.

For the reasons explained in Apotex’s brief accompanying this motion, Apotex believes that final judgment was entered on January 8. Out of an abundance of caution, however, Apotex respectfully requests entry of the proposed forms of judgment that accompany this motion.

Time is of the essence. As explained in Apotex's accompanying brief, these cases, including any appeals (however unwarranted) need to be disposed of before August 11 of this year.

Dated: 11 February 2016

Respectfully submitted,

/s/ Sherry L. Rollo  
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Attorneys for Plaintiff APOTEX INC.

Certificate of Service

I certify that on 11 February 2016 I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

11 February 2016

/s/ Sherry L. Rollo

Sherry L. Rollo